

# **BOARD OF CODE STANDARDS AND APPEALS MINUTES**

**December 7, 2009**

**Members:** Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

**Present:** Banuelos, Coonrod, Crotts, Harder, Hartwell, Hentzen, Murabito, Willenberg, Youle

**Staff Members Present:** Kurt Schroeder, Deb Legge, Penny Bohannon, Darlene Hultman, Paul Hays, Rick Stubbs, Elaine Hammons (Central Inspection); Jeff VanZandt (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, December 7, 2009, at 1:33 p.m. in the 1<sup>st</sup> floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

## **Approval of the November 2, 2009, minutes.**

Board Member Hartwell made a motion to approve the November 2, 2009, minutes as submitted. Board Member Coonrod seconded the motion. The motion carried.

## **Approval of the December 2009 license examination applications as follows:**

There were no license examination applications for the month of December.

## **Request by John Hunter dba Hunter & Son to renew his Class B Contractor's License without retesting. (Off-agenda item.)**

Mr. Schroeder gave a brief explanation of Mr. Hunter's situation regarding his expired Class B Contractor's License. Mr. Hunter's license expired on December 31, 2008, and he inadvertently failed to renew it within the grace period allowed by ordinance. Because extenuating circumstances were involved in Mr. Hunter's failure to renew his license, Mr. Schroeder asked Mr. Hunter to provide the required documentation to the Board.

Wess Galyon, President of the Wichita Area Builders Association, spoke to the Board on Mr. Hunter's behalf. Mr. Galyon said he had received permission from Mr. Hunter to apprise the Board of a medical condition afflicting Mr. Hunter, from which he suffered during the period when his Class B License expired. Due to Mr. Hunter's condition, he was unable to renew his license within the grace period. Mr. Galyon also explained that Mr. Hunter's condition rendered him incapable of sitting for a licensing exam if the Board denied his request for renewal without retesting.

After giving a detailed explanation of Mr. Hunter's condition and relaying the information from medical professionals involved in treating Mr. Hunter, Mr. Galyon asked that the Board consider Mr. Hunter's request to renew his license without retesting on the grounds of extenuating circumstances.

Board Member Coonrod made a motion to approve Mr. Hunter's request to renew his Class B Contractor's License without retesting and without penalty. Board Member Banuelos seconded the motion. The motion was approved as authorized by Chapter 18.12.150(a) of the Code of the City of Wichita, Kansas.

## **Condemnation Hearings**

### **Review Cases:**

- 1. 1908 N. Grove**

There was no one present on behalf of this property.

A one-story frame dwelling about 32 x 24 feet in size, this structure has been vacant for at least one year. The structure has a cracking concrete foundation; cracked and chipped asbestos siding, with missing shingles; sagging and badly worn composition roof, with missing shingles; deteriorating front and rear porches; wood trim and framing members are weathered; and the 21 x 12 foot accessory structure is dilapidated.

This property was first before the Board at the September 14, 2009, hearing. At that time, Mr. Elijah Smith and Mr. Devitt Smith, Jr., were present to represent this property. An amended motion was made and approved to allow sixty days for the substantial progress on the exterior repairs or sale of the property, with an update from Mr. Elijah Smith to the Board at the end of the sixty days. As of the December 7 meeting date, Central Inspection staff had not been contacted by the property owner.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete razing the property. Board Member Youle seconded the motion. The motion carried.

## **2. 614 N. Cleveland**

No one was present to represent this property.

This is a one-story commercial building about 90 x 45 feet in size. Vacant and open, this structure has rotted and missing siding, and the roof has collapsed.

On September 14, 2009, Ms. Stephanie Hyde, owner of the property, appeared before the Board and explained that she had hired a structural engineer to assess the condition of the roof and determine what needed to be done to repair it. A permit has been issued for the roof repair, and substantial work has been done on the roof. There is currently construction debris on the premises. The graffiti on the building has been removed, and the fifth-wheel RV has been removed from the site. The structure is secure.

Board Member Banuelos made a motion to allow thirty days for the owner to respond to Central Inspection and then reappear before the Board to provide an update on the repairs. Board Member Harder seconded the motion. The motion passed unanimously.

## **Overview of the highlights of the proposed amendment package for the 2009 IBC.**

Paul Hays, Senior Plans Examiner, and Rick Stubbs, Commercial Plans Examiner, presented the highlights of the proposed amendment package to the Board. Copies of the delineated ordinance and a document with detailed explanations of changes were provided to each Board Member.

### **IBC Section 105.2 Work exempt from permit**

In Item No. 2, Mr. Hays noted a correction on the sign base requirements. The language is similar to the retaining wall requirements; however, the actual measurement of the sign base is from the grade to the top of the masonry/concrete sign.

In Item No. 14, ramps have been added to the list of features not requiring a permit when not over thirty inches in height.

### **IBC Sections 305.2, 308.2, 308.5, 308.1, 308.5.2, and 310.1**

All of the referenced sections have been modified to allow facilities of ten or fewer persons to be considered as Group R-3 Occupancies (residential facility). This change would be consistent with prior practice under the Uniform Building Code. No change from the 2006 IBC.

#### **IBC Section 412.4.1, 412.4.3, and 412.4.6**

Major differences relate to placement of hangers (thirty ft for IBC [two-hour exterior wall]; twenty-five to fifty feet for NFPA 409 [one- to three-hour exterior wall]), size based on construction type and automatic sprinkler and foam protection (sprinkler and foam requirements now trigger with construction of an aircraft hanger (IBC exempts the foam requirement from a group II storage hanger under the control of a fixed base operator). The amendments modify hanger placement requirements and establish square footage thresholds, based on defined uses, for both storage (26,000 sq. ft.) and repair (17,500 sq. ft.) hangers where automatic sprinklers and foam protection is not necessary. In addition, hanger door height is limited (controls the size of aircraft within the facility) and the building must be provided with an approved monitored optical fire detection system throughout.

#### **IBC Section 422 Ambulatory health care facilities**

Since this code change is a major modification to current practices, the proposed amendment will delete the entire section. The Fire Department is in agreement that the new provision for ambulatory health care facilities should be deleted.

#### **IBC Section 507.3 Sprinklered, one story, and 507.10 Group E buildings**

A new section (507.10) has been added to the 2009 that allows for unlimited area Group E occupancies, if they meet the criteria set out in the section.

#### **IBC Section 507.6 Group A-3 buildings**

Modify language of this provision to allow any one story Group A-3 Occupancy that meets the specified criteria (fully sprinklered with sixty foot yards) to be of unlimited area. The previous local exception for small raised areas located in religious uses was dropped, since the code now allows for raised platforms (not limited to twenty-one inches above grade level as previously restricted).

#### **IBC Table 601 Fire-resistance rating requirements for building elements**

Footnote "h" was reworked from the 2006 amendment to be more useful and less confusing. Key changes include: 1). an increase in canopy size from 1,000 sq. ft. to 1,500 sq. ft.; and 2). the one-hour separation requirement between the canopy and the adjacent building has been deleted. The alternate exit from within the building remains as a requirement of the footnote.

#### **IBC Section 705.6 Structural stability**

The proposed amendment deletes Section 705.6 in its entirety.

#### **IBC Section 706.1 General**

Section 706 establishes the requirements for firewalls. The amendment package brings forward the currently adopted exceptions. The first exception allows for limited extension of an existing area separation wall (constructed under the provisions of previous uniform code) without being subject to the IBC requirements. The second exception establishes criteria for multiple electrical services within a building without triggering the firewall requirements. No area increase is allowed under the second exception.

### **IBC Section 706.5 Supporting construction**

Clarifies the requirements on continuity of fire barriers at architectural features having concealed spaces on the building exterior.

### **IBC Section 715.5.8.2 Area limitations**

The only change to the current amendment was to clarify that “doors” under the previous amendment included frames as well (see exception No. 3).

### **IBC Section 901.7 Fire areas**

The carryover amendment addresses minor expansions of existing “fire areas,” so that the requirement for sprinklers or fire barriers would not trigger until a larger increase is proposed.

### **IBC Section 903.2.1.2 Group A-2 and Section 903.2.1.3 Group A-3**

These amendments modify the trigger points for when automatic sprinklers are required in the listed Group A occupancies.

### **IBC Section 903.2.4 Group F-1 and Section 903.2.9 Group S-1**

Both of these sections establish fire area (12,000 sq. ft.) limitations for buildings without automatic sprinklers. The currently adopted amendment package for the 2006 IBC includes the same deletions, such that, there is not a restriction on the fire area for groups F-1 and S-1 occupancies. Previously, the 1997 UBC did not have any fire area restriction for these two occupancies, so this amendment mirrors that standard.

### **IBC Section 903.4.1 Woodworking operations**

This is a new amendment that establishes criteria for when a sprinkler system is triggered for a woodworking operation in excess of 2,500 sq. ft. and located within a Group F-1 occupancy. The amendment requires non-combustible walls to define the area of the woodworking operation. Mr. Schroeder noted that this amendment required further clarification for defining more specifically what would constitute “non-combustible walls” to be used in this application.

### **IBC Section 903.2.7**

The proposed amendment deletes condition No.4 of Section 903.2.7.

### **IBC Section 903.2.8 Group R**

The proposed amendment would add two exceptions that would exempt all Group R-2 occupancies of four dwelling units or less and all Group R-3 occupancies as regulated by the IBC.

### **IBC Section 903.2.10.1 Commercial parking garages**

Modify language for enclosed parking garages to trigger sprinkler protection at 12,000 sq. ft., similar to that of a one-story repair garage. The 12,000 sq. ft. allowance would mirror that of other S-2 parking garages (see Section 903.2.10). The 2009 IBC was changed to establish the 12,000 sq. ft. standard for other enclosed parking garages, thus eliminating a previously adopted amendment to the 2006 (the 2006 required enclosed parking garages to be sprinklered without exception).

**IBC Section 903.2.11.1 Opening dimensions and access**

This is a carryover amendment that establishes minimum opening dimensions necessary for fire department access into a building from the exterior.

**IBC Section 907.2.1 Group A**

No change from the 2006 amendment.

**IBC Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more**

No change from the 2006 amendment.

**IBC Section 910.2.1 Group F-1 or S-1**

This amendment defines "undivided area" through criteria set out in exception No. 2. No change from the 2006 amendment.

**IBC Section 910.3.4 Draft curtains**

This change would alert the designer to the provisions for high-piled stock, found in the International Fire Code. The amendment was rewritten to reference the IFC and Title 15 of the City Code.

**IBC Section 1006.3 Illumination emergency power**

Exterior emergency lighting is eliminated at door landings (item No. 5). No change from the 2006 amendment.

**IBC Section 1006.4 Performance of system**

This is a carryover amendment that establishes an alternative emergency light fixture placement in lieu of certification, by licensed engineer, of the one-foot candle standard. No change from the 2006 amendment.

**IBC Section 1008.1.5 Floor elevation and Section 1021.1 Exits from stories**

These two amendments provide an exemption for doors, stairs and ladders, when providing access to non-public service areas.

**IBC Section 1022.1 Enclosures required**

This amendment allows the same non-public service areas to be served by a single non-enclosed exit. These provisions are similar to what were allowed under previous codes. No change from the 2006 amendments.

**IBC Section 1009.12 Handrails**

Carry over amendment that allows one riser or step without a handrail requirement.

**IBC Section 1009.14 Stairway to elevator equipment**

This section requires roofs and penthouses containing elevator equipment to be accessed by a stairway. The section has been re-titled to "Access to equipment rooms and areas" to indicate that access to equipment rooms and areas is subject to the adopted standards of the City and of OSHA. In addition, the text has been reworked to delete the referenced stair to elevator equipment on roofs and in penthouses.

#### **IBC Section 1011.1 Where required**

Further establishes placement requirements of exit signs in relationship to exits. No change from the 2006 amendment.

#### **IBC Section 1013.1 Where required**

Add exception No. 8 to allow engineered window well covers in lieu of guards placed at the open sides of a window well. No change from the 2006 amendment.

#### **IBC Section 1018.1 Construction**

Add exception No. 5 to delete the requirement for rated corridors where less than 20 ft in length, subject to established conditions. No change from the 2006 amendment.

#### **American's with Disabilities Act: Chapter 10 Related amendments**

##### **IBC Section 1003.5 Elevation change**

##### **IBC Section 1007.1 Accessible means of egress required**

##### **IBC Section 1008.1.1 Size of doors**

##### **IBC Section 1008.1.5 Floor elevation**

##### **IBC Section 1008.1.6 Landings at doors**

##### **IBC Section 1009.6.1 Stairway walking surface**

##### **IBC Section 1009.12 Handrails**

##### **IBC Section 1010.3 Cross slope.**

##### **IBC Section 1010.6.5 Doorways**

##### **IBC Section 1012.6 Handrail extensions**

##### **IBC Section 1028.9.1 Minimum aisle width**

##### **IBC Section 1028.13 Handrails**

Incorporated into this chapter in order to match the ADA requirements.

#### **IBC Section 1101.2 Design**

Establish that the accessibility regulation for the City of Wichita is the American's with Disabilities Act, except where modified by this chapter. The ADA forms the base standard with modifications establishing additional requirements or clarification of ADA provisions. No change from the 2006 amendment.

#### **Created section: Accessible unisex toilet room in Group A**

Carryover amendment establishes provisions for unisex restrooms within Group A occupancies where the aggregate number of required plumbing fixtures is six or more.

#### **Created section: Group R Occupancies: Hotels, motels, lodging houses, congregate residences and other transient lodging facilities**

Sets out that the accessibility regulations for transient lodging is the American's with Disabilities Act, and that for multi-unit dwellings the standard is the Fair Housing Act. Same basic amendment from the 2006, modified to reduce portions of the amendment, but not the content.

#### **Created section: Self-service storage facilities**

This amendment establishes regulations for self-service storage facilities in regards to accessibility. No change from the 2006 amendment.

**Created section: Signage: International system of accessibility**

Sets out signage requirements for various applications subject to accessibility provisions. No change from the 2006 amendment.

**Created section: Parking: Location**

This amendment reinforces the required placement of parking for disabled individuals. No change from the 2006 amendment.

**Created section: Parking: Space design**

No change, except to correct an error from the 2006 amendment.

**Created section: Counters and bars**

No change, except to correct an error from the 2006 amendment.

**IBC Chapter 13**

This amendment deletes provisions for energy regulations that Central Inspection does not currently enforce. No change from the 2006 amendment.

**IBC Section 1503.4 Roof drainage**

The amendment for this section has been rewritten from the text found in the current amendment. It establishes provisions for the design of roof drainage systems and condensate/waste water.

**IBC Section 1503.4.1 Secondary drainage required and Section 1503.4.2 Scuppers**

The amendments for these two sections establish criteria for secondary drains and scuppers.

**IBC Section 1607.9 Reduction in live loads**

**IBC Section 1607.11.2 Reduction in roof live loads**

**IBC Section 1607.11.2.1 Flat, pitched and curved roofs**

**IBC Section 1608.2 Ground snow loads**

**IBC Section 1609.3 Basic wind speed**

**IBC Section 1609.3.1 Wind speed conversion**

**Created section: Wind zone**

**IBC Section 1613.5.3 Site coefficients and adjusted maximum considered earthquake spectral response acceleration parameters**

This amendment eliminates the roof live load reductions allowed by the IBC. On prior code adoptions, it has been the practice to eliminate the reduction and allow the 20 PSF live load to be the minimum standard for enforcement.

Establishes that 15 PSF is the design ground snow load factor for Wichita.

1609.3, 1609.3.1 and created section above establish the wind speed design criteria for Wichita. Structural provisions remain as currently enforced.

The amendment establishes the earthquake standards for the City. No change from the 2006 amendment.

**IBC Section 1702.1 Scope**

This amendment defines "special inspector" and details expected qualifications of the individual. No change from the 2006 amendment.

## **IBC Section 1704.1 General**

No change from the 2006 amendment.

### **IBC Section 1704.1.1 Statement of special inspection**

No change for the 2006 amendment.

#### **Created section: Duties and responsibilities of the special inspector**

No change from the 2006 amendment.

## **IBC Section 1704.3 Steel construction**

No changes from the 2006 amendment.

### **50). IBC Section 1805.2.1 Frost protection**

No change from the 2006 amendment.

## **IBC Table 2902.1**

Delete references to the International Plumbing Code and add additional footnotes for plumbing requirement clarification. Footnote "d" has been modified to exempt the first sixteen patrons from inclusion in the overall occupant load for fixture count determination. Footnote "g" allows for the urinals to be counted as required fixtures for up to 50% of the men's restroom fixture count. Footnote "h" establishes criteria to allow buildings without restrooms, if other buildings having restroom facilities are available on the same site.

## **IBC Section 2902.2 Separate facilities**

No change from the 2006 amendment.

## **IBC Section 2902.4 Required public toilet facilities**

Rewritten to clarify that uses classified as a Group A and/or E occupancy are required to have access to public restrooms. In addition, clarification was made to address restroom requirements for outdoor Group A occupancies.

## **IBC Section 3002.6 Prohibited doors**

No change from the 2006 amendment.

## **IBC Section J103.2 Exemptions**

No change from the 2006 amendment.

Concluding his presentation of the proposed amendment package to the IBC 2009, Mr. Hays told the Board that Central Inspection had initiated a pilot program for roofing/siding contractors that would allow those roofing/siding contractors who met specified qualifications to inspect their own reroofing/residing work. Mr. Schroeder added that the conditions for qualification for the self-inspect program would undergo some refinement after Central Inspection had evaluated the results of the current pilot program. He said that among other matters to be determined were the type of permit that would be issued and whether the cost would be assessed as a flat rate. At the completion of the roofing/siding job, the qualified individual would return a form to Central Inspection attesting that the job complied with the applicable codes; this form would be kept on file with the permit for the job. A motivating factor in pursuing the pilot program was consideration of the routine inspection performed by Central Inspection. A building inspector is rarely on site as the old roof is removed and the new application is installed, usually seeing only the finished work. With the self-inspect program, the qualified individual is generally on site at various intervals throughout the entire job, allowing him/her to make a visual inspection of the phases prior to completion.



Chairman Hentzen asked for clarification on what would constitute a residential structure being constructed under a commercial application. Mr. Stubbs replied that one- and two-family dwellings were under the IRC requirements, while three or more units would fall under the IBC requirements. Additionally, certain townhome configurations could be built under the IRC if they also met the story height requirements.

Mr. Schroeder said that a summary of the IBC 2009, IRC 2009, and the IFC 2009, with the respective proposed amendment packages, would be brought to the Board in January or February of 2010. At that time, Central Inspection would ask for the Board's recommendation to the City Council for passage of the proposed amendment packages.

With no other business to conduct, Board Member Willenberg made a motion to adjourn the meeting. Board Member Youle seconded the motion. The motion carried.

The meeting adjourned at 2:47 p.m.